

REMARKS/ARGUMENTS

Claims 1, 5, 6, 8-10, 12-18, 20, 44, 64, 67, 70, 71, 74-78, 81, 82, 85, 86, 89, 90, 94, 100 and 105-113 were pending at the time of the mailing of the outstanding Office Action. By this amendment, no claims have been cancelled. Claims 1, 5, 8, 18, 20, 86, 90, 94, 100, 112 and 113 have been amended. New claims 114-122 have been added. In light of the previous cancellation of claims 22 and 25, paragraph 0008 has been amended to eliminate reference to these claims and to eliminate reference to claim 1 *per se* in favor of referring to the subject matter of claim 1.

Claims 1, 5, 6, 8-10, 12-18, 20, 44, 64, 67, 70, 71, 74-77, 81, 82, 85, 86, 89, 90, 94, 100 and 105-113 stand rejected as being indefinite under 35 U.S.C. § 112, second paragraph as being indefinite because the Examiner maintains that it is unclear if each annular support portion is formed by a single bar element or by a plurality of bar elements. Claim 1 has been amended to consistently refer to the bar elements that make up the annular support portions. Similar amendments have been made to claims 5, 8, 18, 20, 86, 90, 94, 100, 112 and 113. Withdrawal of this rejection is respectfully requested.

Claims 1, 5, 6, 8-10, 12-18, 20, 44, 64, 67, 70, 71, 74-77, 81, 82, 85, 86, 89, 90, 94, 100 and 105-113 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,190,406 to Duerig et al. ("Duerig") in view of U.S. Pat. App. No 2003/0083736 to Brown et al. ("Brown"). The Examiner indicates that Duerig is considered to teach the elements of claim 1 except a direction of curvature that changes in the central region of the bar element. Brown is alleged to provide a central region of a meandering bar element that is curved. The Examiner specifically cites Fig. 3 of Brown in this regard. Claim 1 has been amended to distinguish the present invention over that of both Duerig and Brown, either independently or in combination. Claim 1 has been amended to indicate that the change in the direction of curvature is provided in the first condition of the stent, i.e., in the unexpanded state. Support for this amendment may be found in Fig. 1 and the accompanying description of Fig. 1 found in paragraph 0045.

Paragraph 0051 also refers to Fig. 2 showing the stent of Fig. 1 on a catheter which has been introduced into a blood vessel, which can only occur when the stent is in the undeveloped state – the “first condition” of claim 1. Such a configuration is neither taught or suggested by Brown or Duerig. In fact, Brown indicates that the struts of their stent are “substantially parallel” in the unexpanded state (paragraphs 0011-0013, and 0016-0017 and Figs. 1 and 2). The change in the direction of curvature of the struts of Brown is not introduced until the stent is expanded, as shown in Fig. 3. Therefore, amended claim 1 patentably distinguishes the present invention over Duerig and Brown, either independently or in combination, because neither reference teaches or suggests all the limitations of claim 1. In so far as claims 5, 6, 8-10, 20, 44, 64, 67, 70, 71, 74-77, 81, 82, 86, 89, 90, 94, 100 and 105-113 depend from claim 1, either directly or indirectly, and contain all the limitations of claim 1, it is maintained that these claims also distinguish over Duerig and/or Brown. Withdrawal of this rejection is respectfully requested.

Claims 114-122 have been added. Support for these new claims may be found in Fig. 1 and the accompanying description of Fig. 1 in paragraphs 0045-0049. Claims 114-122 provide additional distinctions over the cited prior art. For example, claim 114 recites that the connecting bars engage the first annular support portion at each turning point of each V-shape that projects in one longitudinal direction. This feature provides for reversible expansion of the stent as detailed in paragraph 0059 of the specification and is not taught or suggested by the cited prior art, which shows stents with turning points that do not engage a connecting bar. Accordingly, the Applicants respectfully request reconsideration of the rejections based on the claim amendments made above and the issuance of a Notice of Allowance.

The outstanding Office action was mailed on 22 November 2004. The Examiner set a shortened statutory period for reply of 3 months from the mailing date. Therefore, this response is timely if filed on or before 22 February 2005. No petition for an extension of time or accompanying fee is believed to be due in making this response. In

this response, no claims have been cancelled and claims 114-122 have been added. As a result, 50 claims, 2 of which are independent claims, are currently pending. The highest number of claims previously paid for is 104 total claims with 3 independent claims. Therefore, no fees for additional claims are believed to be due. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Cunniff", written in a cursive style.

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